

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Kathleen M. Walker (#202185) 3421 Thorn St. San Diego, CA 92104 619-255-0987 619-255-0986 (fax) <p style="text-align: center;">Debtors</p> Attorney for	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED AUG - 2 2002 <i>10:45 a.m.</i> <small>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY Deputy Clerk</small> </div>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</p>	
In re: Karl Aston Peron and Wendy Kendall <div style="text-align: right;">Debtor.</div>	CHAPTER <u>7</u> CASE NUMBER LA02-27272AA <div style="text-align: right;">(No Hearing Required)</div>

NOTICE OF MOTION UNDER LOCAL BANKRUPTCY RULE 9013-1(g)(1) FOR:

Sale of Real Property in private sale

- TO (specify name): **United States Trustee for Central District;
Robert D. Pryce, Trustee; Bank of America and Bank One**
- NOTICE IS HEREBY GIVEN that Movant in the above-captioned matter will move this Court for an Order granting the relief sought as set forth in the Motion filed by Movant, a brief description of which is contained in the Description of Relief Sought attached hereto and served and filed herewith. Said Motion is based upon the grounds set forth in the said Motion and accompanying Description of Relief Sought. Said Motion is made pursuant to Local Bankruptcy Rule 9013-1(g)(1), which provides for granting of motions without a hearing. (Check appropriate box below):
 - ☒ The full Motion is attached hereto.
 - ☐ The full Motion has been filed with the Bankruptcy Court and a detailed description of the relief sought is attached hereto.
- Deadline for Opposition Papers and Request for a Hearing:** Pursuant to Local Bankruptcy Rule 9013-1(g)(1), any party objecting to the accompanying Motion may file and serve a written objection and request a hearing of this Motion. If you fail to file a written response within fifteen (15) days of the date of service of this Notice, the Court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.

Dated: **July 31, 2002**

Law Office of Kathleen M. Walker
 Law Firm Name walker
 By: Kathleen M. Walker

Date Notice Mailed: **7/31/02**

Name: Kathleen M. Walker
 Attorney for Movant

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In re Karl Ashton Peron and Wendy Kendall Debtor.	CHAPTER <u>7</u> CASE NUMBER LA02-27272AA
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PROOF OF SERVICESTATE OF CALIFORNIA COUNTY OF San Diego

1. I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

3421 Thorn Street, San Diego, CA 92104

2. **Regular Mail Service:** On July 31, 2002, pursuant to Local Bankruptcy Rule 9013-1, I served the documents described as: NOTICE OF MOTION UNDER LOCAL BANKRUPTCY RULE 9013-1(g)(1) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at San Diego, California, addressed as set forth below:

United States Trustee
Central District
221 North Figueroa St.
Los Angeles, CA 90012

Robert D. Price, Trustee
Pryce Parker Hill LLP
660 S. Figueroa St. #1450
Los Angeles, CA 90017

Bank of America
PO Box 35140
Louisville, KY 40232

Bank One
PO Box 260164
Baton Rouge, LA 70826

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: **July 31, 2002**

Kathleen M. Walker
Type Name

Kathleen M. Walker
Signature

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Kathleen M. Walker (#202185) 3421 Thorn Street San Diego, CA 92104 619-255-0987 619-255-0986 Fax	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Karl Ashton Peron and Wendy Kendall Debtor(s).	CASE NO.: LA02-27272AA

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: <u>Upon court approval</u>	Time: _____
Location: <u>Escrow NO. 95130 CR; Pasadena, CA</u>	

Type of Sale: ☐ Public ☒ Private Last date to file objections: _____

Description of Property to be Sold: 3058 N. Ewing Avenue, Altadena, CA 91001

Legal Description attached

Terms and Conditions of Sale: Estimated Escrow Statement Attached

First mortgage holder to be paid in full; second mortgage holder
agreed to take a discounted amount; debtors to receive no
monies from sale; in fact debtors to owe \$4,123 in closing
costs.

Proposed Sale Price: \$229,000.00

Overbid Procedure (If Any): _____

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Date: 7/31/02

Kathleen M. Walker (#202185)
ATTORNEY AT LAW
3421 Thorn Street
San Diego, California 92104
Telephone: (619) 235-0987
Facsimile: (619) 235-0986

Attorney for Debtors

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In re:) Case No.: LA02-27272AA
)
KARL ASTON PERON and WENDY KENDALL) MOTION FOR SALE OF REAL PROPERTY IN
) PRIVATE SALE
Debtor.)
)

DEBTORS, KARL ASTON PERON AND WENDY KENDALL, MOVE THIS COURT, pursuant to Bankruptcy Rule 6004 (f) and Local Bankruptcy Rules 6004 and 9013-1(7)(a)(i) to sell the real property located at 3058 N. Ewing Avenue, Altadena, California, 91001 (the "PROPERTY"). (The legal description of the PROPERTY is attached hereto as Exhibit A).

1. THE REAL PROPERTY

As disclosed in Schedule A of their Chapter 7 Bankruptcy petition, the debtors hold a fee simple interest with joint rights of survivorship in the PROPERTY. The debtors believe that the fair market value of the PROPERTY is \$299,000.00 based upon an arms-length offer of \$229,000.00 for the PROPERTY. Prior to filing their bankruptcy petition, debtors accepted the offer of \$229,000.00. (See supra). Further, on Schedule D of their petition, debtors disclosed two creditors (Bank of America and Bank One) holding secured

1 interests in the PROPERTY. The value of the secured creditors' interests
2 exceeds the fair market value of the PROPERTY.

3 **2. THE PROPOSED SALE**

4 As discussed above, the debtors received an arm's length offer for the
5 sale of the PROPERTY prior to filing their bankruptcy petition. Debtors
6 signed a purchase agreement for the PROPERTY based upon that offer.

7 Currently, the PROPERTY is in escrow and was scheduled to close on July 30,
8 2002. (Attached, as Exhibit B is a copy of the estimated escrow statement).

9 Pursuant to the estimated escrow statement, the first mortgage holder, Bank
10 of America would receive \$169,899.00, which represents one hundred percent of
11 its loan. The second mortgage holder, Bank One, has agreed to take
12 \$46,500.00, which has been discounted from the loan balance of \$82,000.00.

13 The debtors will receive no funds and will incur closing costs of \$4,123.00.

14 **3. CONCLUSION**

15 Debtors respectfully request that their motion to sale the PROPERTY be
16 granted, allowing the proposed sale to go forward. None of the interested
17 parties will be prejudiced by the sale and, in fact, the second mortgage
18 holder, Bank One, has agreed to accept less than full repayment.

19
20
21 Dated this 31st day of July, 2002

22 *Kathleen M. Walker*
23 Kathleen M. Walker
24 (#202185)
25

EXHIBIT A

ORDER NO. 4351443-48

EXHIBIT A
LEGAL DESCRIPTION

THE SOUTHERLY 340 FEET EXCEPT THE SOUTHERLY 265 FEET THEREOF OF THE
EASTERLY 75.07 FEET OF LOT 1 OF MRS. I.C. EWING TRACT, IN THE COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 8, PAGE(S) 55 OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO THE SOUTHERLY 340 FEET EXCEPT THE SOUTHERLY 265 FEET THEREOF AND
EXCEPT THE EASTERLY 225 FEET THEREOF OF THE WESTERLY ONE-HALF OF LOT 18 OF
ALTADENA MAP NO. 3 AS PER MAP RECORDED IN BOOK 52 PAGE 50 OF MISCELLANEOUS
RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXHIBIT B

LAWYERS TITLE COMPANY
251 S. Lake Avenue, #400
Pasadena, CA 91101
Phone: 800/347-7800, ext. 354
Fax: 626/795-2359

Estimated
Escrow Statement

Escrow No: 95130-CR

Seller: Karl Peron
Wendy Kendall

Property Address: 3058 Ewing Avenue
Altadena, CA 91001

Estimated Date
Documents Recorded
Statement Date

Total Consideration..... 229,000.00

Demand for reconveyance of Trust Deed 169,899.90

Bank of America..... 157,974.15

Principal Balance 10,125.43

Interest thru 07/15/02

Interest From 07/15/02 to 08/23/02

daily rate 29.760000

Total Interest Amount 1,160.64

Late fees amount 305.47

Misc 120.21

Corporate Advance 214.00

Demand for reconveyance of Trust Deed 46,500.00

Bank One..... 46,500.00

County Pro rata taxes 202.60

from 07/01/02 to 08/23/02.....

52 days at 3.896111 per day

Broker's commission..... 9,160.00

\$9,160.00 Realty Financial

\$0.00

Documentary Transfer Fee (City/County)..... 251.90

UPS Fees Lawyers Title.... 30.00

Policy of Title Insurance 1,043.00

LAWYERS TITLE..... 200.00

Los tie-in fee Lawyers Title..... 100.00

Recording Fees LAWYERS TITLE..... 1,668.00

Escrow Fees..... 50.00

Document Preparation..... 80.00

Notary Fees..... 1,943.00

Pest Inspection Castle & Home..... 59.95

Zone disclosure.....

LGS 325.00

Home Warranty.....

Delinq tax 2001-02... 1,609.94

Los Angeles County

Sub-totals 233,123.29 229,000.0

Balance due from Seller 4,123.2